

Message Text

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TAGS: PFOR, PINT, IN, PK, BG

SUBJ: INDO-PAK AGREEMENT THE INDIAN VIEW

REF: NEW DELHI 9980

BEGIN SUMMARY: IN A DISCUSSION WITH DCM SCHNEIDER AUGUST 29 MEA DIRECTOR FOR PAKISTAN AFFAIRS ASHOK CHIB GAVE DCM A PLAY BY PLAY RUNDOWN OF THE SUCCESSFUL INDIA-PAKISTAN-BANGLADESH NEGOTIATIONS WHICH AGREED IN ALL IMPORTANT RESPECTS WITH THAT ALREADY PROVIDED BY PAK DELEGATION MEMBER SATTAR. CHIB CLAIMED THAT THE PAKISTANIS REVERSED THEMSELVES TWICE DURING THE DISCUSSIONS, BRINGING THE TALKS TO NEAR BREAKDOWN. FINALLY A COMPROMISE WAS REACHED ON BIHARIS ON THE LAST AFTERNOON OF THE CONFERENCE AND AGREEMENT WAS REACHED. END SUMMARY.

1. CHIB SAID THAT AT THE OPENING OF THE TALKS THE PAK DELEGATION STUCK QUITE RIGIDLY TO ITS FINAL POSITION AT THE PREVIOUS RAWALPINDI DISCUSSIONS. AFTER THREE OR FOUR DAYS, HOWEVER, THE TWO DELEGATIONS EXCHANGED MEMORANDA OF UNDERSTANDING WHICH, SURPRISINGLY, WERE QUITE CLOSE ON ALL ISSUES EXCEPT BIHARIS. ON THE BASIS OF THESE DOCUMENTS THE DELEGATIONS STARTED A JOINT DRAFT AGREEMENT. ON THE FIFTY OR SIXTH DAY, HOWEVER, THE PAK DELEGATION BACKED UP, SAYING THAT THE PROVISION IT HAD AGREED TO FOR FREEZING THE POW ISSUE WAS A MISTAKE. THE PAKISTANIS ASKED THAT BANGLADESH DRASTICALLY REDUCE THE NUMBER OF POWS

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TO BE HELD BACK AND ASKED FOR A GUARANTEE THAT THOSE HELD

BACK WOULD BE FREED AFTER SIX MONTHS IN THE ABSENCE OF AN AGREEMENT ON WHAT TO DO WITH THEM. INDIA CONSULTED BANGLADESH ON THIS AND THEN REJECTED THE PROPOSALS.

2. WHEN SHAHI RETURNED FROM CONSULTATIONS WITH PRESIDENT BHUTTO AND PRESENTED PAKISTAN'S NEW COMPREHENSIVE PROPOSAL, THE INDIANS, ACCORDING TO CHIB, WERE MUCH TAKEN ABACK. AS CHIB DESCRIBED IT, PAKISTAN OFFERED ONLY TO "CONSIDER" IMMEDIATE RECOGNITION IN EXCHANGE FOR DROPPING BY BANGLADESH OF THE IDEA OF TRIALS. THE GOI CONSIDERED THAT THE NEW PROPOSAL WIPED OUT ALL OF THE ACHIEVEMENTS WHICH HAD BEEN MADE SINCE APRIL. THE INDIANS CHECKED OUT THE PAK PROPOSAL WITH BANGLADESH WHICH REJECTED IT OUTRIGHT. AT THIS POINT THE INDIANS WERE AFRAID THE TALKS HAD BROKEN DOWN BUT THE PAK DELEGATION THEN WENT BACK TO CONSIDERING THE ORIGINAL PROPOSAL ALMOST WITHOUT BREAKING STEP.

3. TYRE FOLLOWED TEN HOURS OF CONTINUOUS NEGOTIATION AND DRAFTING ON MONDAY, AUGUST 27 LEAVING ONLY THE BIHARI QUESTION FOR RESOLUTION THE FOLLOWING DAY. THAT AGREEMENT CAME ONLY LATE TUESDAY AFTERNOON. CHIB CONFIRMED THAT THE BACK-AND-FORTH OF THE NEGOTIATIONS OF BIHARIS WAS ALMOST EXACTLY AS SATTAR DESCRIBED IT TO US, WITH THE GAP BETWEEN THE TWO DELEGATIONS REDUCE TO THE NEIGHBORHOOD OF 50,000 BIHARIS. THE TIRED NEGOTIATORS SETTLED FOR LANGUAGE WHICH SAID THAT PAKISTAN WOULD INITIALLY RECEIVE "SUBSTANTIAL NUMBER APPARENTLY THIS MEANS MORE THAN 70,000 BUT FEWER THAN 125,000 ALTHOUGH CHIB WAS NOT SPECIFIC ON THIS. THE AGREEMENT PROVIDES FOR A SECOND STAGE AT WHICH ADDITIONAL NUMBERS WILL BE DETERMINED BY MUJIB AND BHUTTO.

4. CHIB SAID THAT THE REQUIREMENT THE TRILATERAL TALKS TAKE PLACE ON THE BASIS OF "SOVEREIGN EQUALITY" MEANS THAT PAKISTAN WILL HAVE TO RECOGNIZE BANGLADESH BEFORE THE MEETINGS CAN BE HELD.

5. CHIB SAID REPATRIATION OF BENGALIS AND BIHARIS AND POWS WOULD BE CARRIED OUT SIMULTANEOUSLY AND TAKE FOUR TO FIVE MONTHS. POWS WOULD MOVE ACROSS THE INDIA-PAKISTAN LAND BORDER IN STAGES, CAMP BY CAMP, IN A PHASED MANNER SO THAT TROOP TRAINS WOULD NOT INTERFERE WITH FOOD TRAINS. IT WAS ENVISAGED THAT BENGALIS AND BIHARIS WOULD TRAVEL PRIMARILY BY SHIP ALTHOUGH SOME WOULD

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COME BY AIR. NONE WOULD BE TRANSPORTED BY SURFACE OVER INDIA.

6. CHIB ALSO CONFIRMED THAT WHILE THE GOI HAD BEEN UNWILLING TO PROVIDE AN ASSURANCE THAT THE 195 POWS WOULD ULTIMATELY BE RETURNED TO PAKISTAN THE INDIANS HAD SPOKEN TO THE PAKISTANIS OF THE "LOGIC OF THE SITUATION", IN WHICH BANGLADESH HAD DEFERRED WAR CRIMES TRIALS AND THEN AGREED TO A TRILATERAL SETTLEMENT, THIS POINTED TO A SATISFACTORY AGREEMENT ON THE 195 POWS.

7. COMMENT: THE INDIANS ARE EXHAUSTED BUT PLEASED AT THE SUCCESS OF THE NEGOTIATIONS WHICH SEEMED SO NEAR COLLAPSE MORE THAN ONCE. WE FEEL ALL THREE PARTIES HAVE GOOD REASON TO BE SATISFIED. INCIDENTALLY, WE HAVE TOLD NEITHER CHIB OR SATTAR OF OUR EXTENSIVE DISCUSSIONS WITH THE OTHER. PLEASE PROTECT THESE CONFIDENCES.
MOYNIHAN

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